IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 5061 of 2007(C)

PETITIONERS:

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1. GEETHA P.,
   H.S.S.T. (COMMERCE), V.C.S. H.S.S.,
   PUTHENVELIKKARA.

2. BEENA M.M.,
   H.S.S.T. (COMMERCE),
   V.C.S. H.S.S., PUTHENVELIKKARA.

3. MANJUSHA M.K.,
   H.S.S.T. (COMMERCE), S.N. H.S.S.,
   OKKAL, PERUMBAVOOR.

4. VALSALA P.R.,
   H.S.S.T. COMMERCE, S.N. H.S.S., OKKAL,
   PERUMBAVOOR.

BY ADV. SRI.BENOY THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
   THIRUVANANTHAPURAM.

2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
   DIRECTORATE OF HIGHER SECONDARY EDUCATION,
   HOUSING BOARD BUILDING, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 5061 OF 2007

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Dated this the 26th day of February, 2007

JUDGMENT

Petitioners are approved Higher Secondary School Teachers. They availed leave without allowance for doing B.Ed training course. According to them the third proviso to Rule 33(b)(2) of Part I KSR provides that leave without allowance availed by the petitioners will count for increment. Government deleted the third proviso with effect from 11.5.2005. Petitioners have already represented the same under Exts.P5 and P5(a). Petitioners rely on Ext.P6 judgment.

2. Heard Government Pleader also.

The writ petition is disposed of directing the first respondent to consider and take a decision on Exts.P5 and P5(a) in accordance with law, after affording an opportunity of hearing the first petitioner, within a period of two months from the date of receipt of a copy of this judgment. I leave open the contentions of the petitioners. It is open to the petitioners to rely on Exts.P6 and P7 judgments.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.